

## **REMARKS**

Applicant respectfully requests reconsideration of this application as amended. Claims 1-6 and 30-32 have been amended. Claims 7-29 and 33-35 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-6 and 30-32 are presented for examination.

### **35 U.S.C. §121 Election/Restriction**

Claims 1-35 stand subjected to restriction requirement under 35 U.S.C. § 121 as follows:

- I. Claims 1-8 and 30-35 drawn to modifying beacon intervals, are classified in class 790, subclass 225;
- II. Claims 9-13, drawn to modifying beacon intervals with mobile devices, classified in class 709; subclass 226;
- III. Claims 14-19, 27-29, drawn to determining the amount to modify a beacon level, classified in class 709, subclass 224;
- IV. Claims 20-22, drawn to determining the amount to modify interdependent access points' beacon level, classified in class 709, subclass 240;
- V. Claims 23-26, drawn to determining the amount to modify a beacon level based on capacity information, classified in class 709, subclass 235;

As previously discussed over the phone (see Office Action, page 4), in response to the restriction requirement, Applicants hereby elect Group I of claims 1-8 and 30-35

for prosecution. Applicants make this election without prejudice to the right to prosecute

claims similar in breadth to those of the non-elected/cancelled claims in another patent application.

### **35 U.S.C. § 101 Rejection**

Claims 30-33 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 30-33 have been amended. Applicants respectfully request the withdrawal of the rejection of claims 30-33.

### **35 U.S.C. § 103 Rejection**

Claims 1-8, 30-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ho, U.S. Patent Publication No. 2002/0071449 (“Ho”).

Claim 1, as amended, recites:

A method comprising:

maintaining load capacity information relating to access points in a network, the access points are assigned beacon intervals to facilitate balancing of loads associated with the access points;

determining whether to adjust a first load associated with a first access point of the access points, the first access point corresponding to a first beacon interval of the beacon intervals; and

modifying the first beacon interval to adjust the first load associated with the first access point until a first threshold condition is met.

(emphasis added)

Ho discloses “*contention-free transmissions* during a contention period in a shared communications medium comprising the steps of capturing the shared communications medium, then permitting a recipient station an opportunity to transmit, and once the recipient station completes its transmission, recapturing the shared communications medium . . . [and] *permits and enables contention-free communications*

*to take place in a contention period* that does not normally support contention-free communications.” (paragraphs 0013-14; emphasis added)

In contrast, claim 1, in pertinent part, recites “maintaining load capacity information relating to access points in a network, the access points are assigned beacon intervals to facilitate balancing of loads associated with the access points . . . [and] modifying the first beacon interval to adjust the first load associated with the first access point until a first threshold condition is met.” (emphasis added) Ho’s contention-free communications is not the same as, for example, maintaining load capacity information relating to access points in a network, assigning beacon intervals to the access points, and modifying the first beacon interval to adjust the first load until a first threshold is met as recited by claim 1. Ho does not teach or reasonably suggest at least the aforementioned features of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claim 30 includes limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 30 and its dependent claims.

### **35 U.S.C. § 102 Rejection**

Claims 1-4, 7 and 30-35 stand rejected under 35 U.S.C. §102(b) as being anticipated over Trompower, et al., U.S. Patent No. 6,088,591 (“Trompower”).

Trompower discloses “each base station is configured to communicate its own particular hopping sequence to all other base stations via the system backbone. Each base station then provides to mobile devices which are registered thereto information regarding the particular hopping sequences employed by other base stations servicing

cells into which the mobile device may roam. (Abstract). Trompower does not teach or reasonably suggest “maintaining load capacity information relating to access points in a network, the access points are assigned beacon intervals to facilitate balancing of loads associated with the access points . . . [and] modifying the first beacon interval to adjust the first load associated with the first access point until a first threshold condition is met” as recited by claim 1. (emphasis added) Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claim 30 includes limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 30 and its dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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